

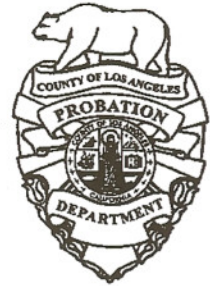


ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT


9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



December 17, 2007

TO: Each Supervisor

FROM: 
Robert B. Taylor
Chief Probation Officer

SUBJECT: **DEVELOPMENT OF COMPREHENSIVE EDUCATION REFORM PLAN
FOR JUVENILE HALLS & CAMPS – THIRD PROGRESS REPORT**

Pursuant to your Board's June 19, 2007 instruction, this is our Third 60-Day Progress Report covering mid-October 2007 through mid-December 2007, regarding the development of a comprehensive plan to dramatically reform education programs in the County's juvenile halls and probation camps.

My Department continues to work on this endeavor with the Los Angeles County Superintendent of Schools and representatives from the various departments and agencies identified by your Board and additional key stakeholders from other departments or agencies that we deemed appropriate and that expressed an interest in this effort.

This report provides an overview of the work, presentations, and site visits conducted as part of our various Education Reform Committee meetings held during this period.

PROGRESS STATUS OVERVIEW

During this reporting period, I chaired three Committee meetings, for a total of nine Committee meetings held thus far. These Committee meetings continue to create constructive open discussions regarding ways to improve education services that we provide to the minors in our juvenile camps and halls. In addition, we have been receiving a growing interest from key stakeholders on how education services can be improved, and we welcome it.

7th MEETING HIGHLIGHTS

On October 31, 2007, we held our seventh meeting with the Committee. A Los Angeles County Office of Education (LACOE) representative presented the Committee with a report reflecting LACOE's reaction to the Children's Planning Council's June 12, 2007 report and your Board's education reform action of June 19, 2007, recognition of what is currently occurring, and recommendations for consideration by the Committee.

Although LACOE has recognized dynamic system changes, such as our paradigm shift from incarceration to rehabilitation, it is LACOE's representative's viewpoint that it is not realistic to expect all minors will achieve a high school diploma. LACOE also believes that one of the foremost problems is lack of clearly defined goals. LACOE believes that there should be a case manager that follows minors through and out of the system; however, LACOE does not believe that should start at the delinquency stage; rather, it should start at the dependency stage, because minors can be identified for delinquency attributes when they are of kindergarten age. Consequently, for a successful outcome, there is a strong belief by all that someone needs to take full ownership of minor. (Two of the most successful programs, Boys Republic and New Visions Foundation, all have someone to follow a minor). In addition, there is a need to be able to return to having thorough, multi-disciplinary assessments to determine a minor's needs.

LACOE intends to review the possibility of our improving the way we schedule minors for assessments, i.e., mental health. In the meantime, the Probation Department is looking to examine all assessment tools as some have not been reviewed for many years. In addition, we are conducting detailed evidence-based practices processing, i.e., in our camp assessment unit and at camps.

It is important to emphasize that special education enrollment of minors at our camps and halls has significantly increased by 45% from having 740 pupils in FY 2005-06 to 1,071 pupils in FY 2006-07; this has contributed to LACOE's fiscal challenges. LACOE also indicates having contributed approximately \$4 million towards achieving compliance with the Department of Justice settlement agreement. LACOE indicates they are experiencing in excess of a \$5.7 million deficit annually, with an overall deficit of \$23 million to educate incarcerated youth.

As indicated in LACOE's report, its immediate next steps are as follows:

1. Conduct a student evaluation study to assess the efficacy of the current comprehensive high school education model on student achievement;
2. Hire a consultant to review successful evidence-based practices used in other states with similar student populations in order to determine the merits of utilizing similar strategies in Los Angeles County; and

3. Seek legislation to revamp the current funding model, which is based on average daily student attendance, to a completely different funding model that is based on a residential model.

In addition, LACOE has set in motion, with the California Department of Education, a review and verification of its special education services within Los Angeles Juvenile Court and Community Schools. This was initially intended to be a self-review; however, LACOE welcomes the verification process of its compliance with the Individual's with Disabilities Education Act (IDEA) at this time.

8th MEETING HIGHLIGHTS

On November 16, 2007, we held our eighth meeting with the Committee. Our focus was on continuing to explore alternative education programs through charter school programs. We invited Mr. Steve Barr, founder and Chief Executive Officer, Green Dot Public Schools, to provide the Committee an overview of its charter school programs. Mr. Barr emphasized that doubling up on reading and math time were the things to do to reverse years of neglect. He indicated that parents and everyone around minors need to be heavily involved for successful outcomes. He further indicated that focusing on increased interventions, and combining structure and love resulted in desired success.

Attached are three documents which were shared with the Committee – Attachment I is a joint letter from Dr. Robles and I to stakeholders as we felt this was necessary to dispel any negative rumors and clarify that our efforts to improve service delivery are not designed to replace or remove current personnel, but to identify programs and practices that can be adapted to better serve our young people; Attachment II provides a report entitled *Charter Schools: A Comprehensive Assessment* prepared for the Santa Clara Probation Department by the California Charter Schools Association and provides an in depth understanding of charter school program operations and regulations; and Attachment III provides a February 8, 2007 Santa Clara County Counsel's opinion on their County's operation of a charter school for probation wards – due to potential conflicting understandings of whether our County may legally operate a charter school, we also intend to seek an opinion from County Counsel.

In addition, our Department's education consultant has been conducting numerous site visits of our juvenile halls, camps, as well as external entities to explore educational programs, and recently included a site visit of Orange County Probation Department's Juvenile Hall education program. She provided the Committee with an overview of her observations of strong leadership built around cultural change; thorough intake assessment and case planning; consistent behavior standards in all classrooms; outreach 30-60 days prior to a minor's release; well-maintained facilities; and a similar education operating budget in comparison to the funding of services provided to the minors at our halls and camps. Consequently, as Committee members expressed an

interest in seeing the education program firsthand, our next meeting was scheduled offsite at Orange County Probation Department's Juvenile Hall.

9th MEETING HIGHLIGHTS

On December 3, 2007, we held our ninth meeting with the Committee. This was an offsite meeting held in Orange County where Orange County's Probation Department and Department of Education personnel provided the Committee a tour of their juvenile hall, which houses its Youth Leadership Academy Program.

A group of 17 out of the 21 members that regularly attend the Committee meetings and attended the tour had the opportunity to see a non-secure, comprehensive residential program and was very pleased with the programming offered. Committee members were also pleased with the excellent rapport shared between Orange County's Probation Department and their Department of Education personnel.

Subsequent to the tour, the Committee met to discuss a couple of other items on the agenda, one of which was the draft Saturday School Program as proposed by Probation Commissioners Betty Rosenstein and Clay Hollopeter. In general, although the proposal has merit and there are already items that are being incorporated into our final report and recommendations, the Committee's consensus is that the mandated program proposal as-is, will not achieve as great of a benefit to minors as it is far more important to have programming options available to minors for a better use of any time availability. Additional information regarding the analysis of this proposal will be provided in the Committee's final report and recommendations.

OTHER COMMITTEE RESEARCH AND ANALYSES

Some Committee members have been conducting related research and exploring other education programs at the Boys Republic camp in Chino Hills, the Boys Republic day treatment program in Monrovia, and the LA Works one-stop center in Irwindale to identify protocols and techniques that might be applied in the Department's juvenile camps.

A number of Committee representatives met three times with an ad hoc group assembled by the Children's Planning Council and Education Coordinating Council to flesh out issues and potential recommendations raised in the Committee meetings. This ad hoc group included representatives from the Children's Commission, the Public Defender's Office, the Association of Community Human Services Agencies, and the Girls Collaborative at Camps Scott and Scudder.

TENTATIVE EDUCATION-RELATED OUTCOMES

It is noteworthy to reemphasize that our Department's primary goal is to increase public safety through reduced recidivism and to effect positive behavioral change among probationers. We also believe it is essential to improve educational standards and outcomes for probation youth, so that they are fully equipped to perform capably whether they leave camp to finish high school, go on to college, or join the workforce.

As indicated in the prior report, the Committee was advised that the Probation Department, as part of its strategic planning process, has tentatively identified the following four education-related outcomes for reporting with the Department's dashboard reporting system, beginning in January 2008:

- 1) Number/percentage of eligible juveniles that complete high school diploma by completion of probation;
- 2) Number/percentage of eligible juveniles that obtain their G.E.D. by completion of probation;
- 3) Number/percentage of eligible juveniles that successfully enroll in a vocational education program by completion of probation; and
- 4) Number/percentage of eligible juveniles that successfully enroll in a two or four-year college by completion of probation.

COMMITTEE FINDINGS & OBSERVATIONS

Overall, everyone on the Committee continues to agree that youth should be the focal point of services with each youth having proper assessments and a case plan that involves needed EBP treatment, educational, and mental health services. Therefore, we must do a better job of assessing youth needs, providing them with appropriate services, reporting issues to the Court, and requesting necessary actions from the Court. EBP treatment, education and mental health services all need to be provided based on comprehensive assessments and individual case plans, including Individual Educational Plans for youth with learning disabilities and/or special education needs as well as Individual Learning Plans for all other youth.

Thus far, through things learned as a result of reviewing evidence-based practices and this endeavor, many Committee members believe that the ideal educational structure for at-risk and delinquent youth is to:

- Teach in small classes;
- Provide services to each minor based on their reading and math needs;
- Consider delivering education services through various providers that have expertise in education and special education and are willing to start with the basics;

- Link youth and their families with community resources;
- Include families in the design and implementation of education plans of their youth;
- Link parents with resources and providing resources, if necessary; and
- Base case plans on risk and needs assessments developed by multi-disciplinary teams and incorporating an aftercare component before youth leave the camp system.

In addition, we have been receiving a growing interest from key stakeholders on how education services can be improved. On December 12, 2007, we were honored by Senator Gloria Romero's visit to one of our juvenile halls and a couple of our camps. We understand from Senator Romero that 2008 will be the year of Education. So our education reform efforts could not occur at a better time. Senator Romero has expressed interest in having someone participate in our Committee meetings and has designated a representative from her office.

We will continue to provide 60-day progress reports and intend to provide your Board with a report including recommendations and a comprehensive plan in March 2008.

Please contact me if you have any questions or require additional information, or your staff may contact David M. Davies, Chief Deputy, Probation at (562) 940-2511.

RBT:dn

Attachments (3)

c: Michael Nash, Presiding Judge, Juvenile Court
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors
Raymond G. Fortner, Jr., County Counsel
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Rudell S. Freer, President, Los Angeles County Board of Education
Gabriella Holt, President, Probation Commission
Margaret Todd, County Librarian
Dr. Marvin J. Southard, Director, Department of Mental Health
Cheryl Mendoza, Executive Director, Children's Planning Council
Jose Huizar, Chair, Los Angeles County Education Coordinating Council
Trish Ploehn, Director, Department of Children and Family Services
Nikki C. Friedman, Chair, Los Angeles County Civil Grand Jury
Tim Cromartie, Consultant, Senator Gloria Romero
Judy Hammond, Public Information Officer

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9300 Imperial Highway
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Dear Stakeholders:

The Probation Department and the Los Angeles County Office of Education have been and will continue to work collaboratively to review, evaluate, and improve programs at the juvenile halls and camps to provide the most effective educational and probation delivery systems possible for juveniles.

We are in agreement that our respective programs, curricula, and staffs need to interact, communicate, and support efforts to achieve our common goal of successfully preparing youth for their transition and integration back into the community and reducing the likelihood of their recidivism. To that end, we are utilizing the resources of both departments to review our current programs, delivery systems, and content to insure that policies, practices, and procedures are properly aligned with our goal.

On June 19, 2007, an education committee was convened at the direction of the Board of Supervisors to evaluate the educational programs as an initial effort to review the many disciplines and agencies that serve youth in our halls and camps. Represented on that committee were many agencies and individuals who are involved with minors in the justice system, as well as LACOE and Probation.

As members of the committee, we will be exploring various options designed for the improvement of service delivery and overall educational, probation, and service improvement.

It is our hope that our staffs will understand that these efforts are not designed to replace or remove current personnel, but to identify programs and practices that can be adapted to better serve our young people. We will look to evidence based practices in other municipalities, counties, and states to provide us with successful models to emulate.

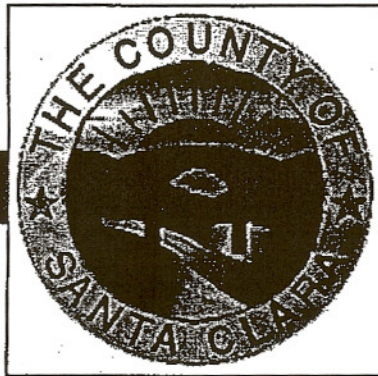
It is our commitment to you to retain what works, embrace a process of continuous improvement, and continually monitor our progress. We need your support, encourage your suggestions, and appreciate your understanding and cooperation.

Sincerely,

Robert B. Taylor, *Chief*
Los Angeles County Probation

Darline P. Robles, Ph.D., *Superintendent*
Los Angeles County Office of Education

11/15/07



CHARTER SCHOOLS: A Comprehensive Assessment

Submitted by:

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California Charter Schools Association
730 Harrison Street
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February 8, 2007**

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Charter School Analysis

Santa Clara Probation Department
February 8, 2007

This report is intended to answer official board and department questions about the viability of a charter school for students in the court and probation system. Because of the complex nature of public education and its financing, the scope of this report is written in a question and answer format.

Building a charter school for at-risk junior high and high school students will require hundreds of hours of work from Santa Clara County Probation Office and its lead team of designers, writers and educators. No charter schools currently exist for Juvenile Wards of the Court. Thus, Santa Clara County will be moving in uncharted territory. The rewards in terms of educational outcomes for students will be high. However, the risk of failure is a reality, as another charter high school serving at-risk youth in Santa Clara found this year.

The challenges range from governance (who starts it, governs it, runs it?) to fiscal (how little money is there?) to educational (how to deliver and assess a high-quality program?). Generally speaking, a new school program takes 18-24 months to start. It is not for the faint of heart. A school development team of no less than three typically does most of the work, with strong support from its entire development team and the greater community.

What is a charter school?

A charter school is a public school and may provide instruction in any of grades kindergarten through 12. A charter school is usually created or organized by a group of teachers, parents and community leaders or a community-based organization, and is usually authorized by an existing local public school board or county board of education. Specific goals and operating procedures for the charter school are detailed in an agreement (or "charter") between the authorizing board and charter organizers.

Charter School Facts:

- Charter schools cannot charge tuition
- Charter schools must enroll all who wish to attend
- Charter schools must be of choice
- Charter schools must be nonsectarian
- Charter schools must hire credentialed teachers
- Charter schools must allow unions
- Charter schools must meet academic standards
- Charter schools must administer statewide performance tests
- Charter schools cannot discriminate based upon disability, ethnicity, national origin, age or gender

How are charter schools funded?

Charter public schools, like their district counterparts, receive funds from the state according to the number of students at the school. Funding levels generally rise annually by the amount of Cost of Living Adjustment set by the state Department of Finance.

Charter high schools such as the one proposed receive the statewide average for all public schools. In 2007-2008, that sum is likely to be \$7,247 per student (ADA) in the form of the charter and general purpose block grants. These funds exclude Economic Impact Aid, Title I and Supplementary Hourly Funding, which can add thousands of dollars per student, depending on the number of English learners and those on Free and Reduced Lunch. For a school with a high number of these two groups of student, it is expected that annual revenues per student could rise as high as \$8,500.

Ed Code 47633: The Superintendent of Public Instruction shall annually compute a general-purpose entitlement, funded from a combination of state aid and local funds, for each **charter** school as follows:

(a) The superintendent shall annually compute the statewide average amount of general-purpose funding per unit of average daily attendance received by school districts for each of four grade level ranges: kindergarten and grades 1, 2, and 3; grades 4, 5, and 6; grades 7 and 8; and, grades 9 to 12, inclusive. For purposes of making these computations, both of the following conditions shall apply:

(1) Revenue limit funding attributable to pupils in grades 9 to 12, inclusive, shall equal the statewide average revenue limit funding per unit of average daily attendance received by high school districts.

(b) The superintendent shall multiply each of the four amounts computed in subdivision (a) by the **charter** school's average daily attendance in the corresponding grade level ranges. The resulting figure shall be the amount of the **charter** school's general-purpose entitlement, which shall be funded through a combination of state aid and local funds. From funds appropriated for this purpose pursuant to Section 14002, the superintendent shall apportion to each **charter** school this amount, less local funds allocated to the **charter** school pursuant to Section 47635.

(c) General-purpose entitlement funding may be used for any public school purpose determined by the governing body of the **charter** school.

There is a notable exception to these mandated funding levels in the Education Code. The Soledad Education Academy in Los Angeles County gained a legislative exception, and received approximately \$11,500 per student in 2001, equivalent to the statewide average for county day schools. It is likely that this funding level is now above \$12,000 per student.

For Santa Clara to achieve these higher levels of funding, a legislative remedy is needed. In 2006, such a legislative remedy failed to win passage. A future legislative measure, which would probably have to be introduced no earlier than 2008, would need to generate a larger coalition of counties, as passage of a bill on behalf of one county is difficult to generate a majority of votes for.

| | |
|--|---------------------|
| High School Funding under charter school model: | \$8500 per student |
| High School Funding under county day school model: | \$12000 per student |

How do charter funds flow to the school site?

Unless the charter school is a State Board of Education-authorized school, it cannot receive funding directly from the state, but must instead receive its funds from the county office of education or district office. The school may elect to be a locally funded school of the district it is authorized by, and receive its funds through an account at the district.

Or it may choose to be a direct funded school, in which case the account would be at the Santa Clara County Office of Education (SCCOE).

Funds are received about once per month, in differing percentages. The first apportionment occurs at the beginning of the fiscal year, which starts July 1. For new schools, advanced apportionment is given in one three-month advance, out of which they hire new teachers and staff, as well as prepare facilities.

No funds may be deducted by either the SCCOE or district local agencies, besides mutually agreed upon services and the 1% oversight fee as defined by law.

Who would oversee the charter school?

Santa Clara County Probation Office may apply to the local school district, San Jose Unified, to be chartered. The charter agency then becomes the oversight body for the school.

Santa Clara County Probation Office may also directly petition the Santa Clara County Office of Education to be a county-sponsored charter school. The applicant may choose to apply directly to the SCCOE for its charter, given its charge of serving students from across the county, and its existing educational relationship with SCCOE.

Why a charter school?

A charter public school is typically run autonomously from the school district or COE, with a separate board of governors and budgetary and hiring/firing abilities. Charter schools may also be run by school districts and county offices of education, but 80% of all new charters in the state are "independent" charters that establish their own boards.

Charter schools are also exempted from most sections of the Education Code. This allows them to gain greater budgetary and curricular flexibility, and use those flexibilities to help students succeed.

Charter schools **MUST** hire Highly Qualified teachers. The schools' students, like district public schools, must take state and federal standardized tests.

For a more in-depth discussion of how charter schools are helping low-income students to higher achievement levels, please see the next section.

Education Code §47600, Intent of Charter School Law

"It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools."

Is there data that indicates charter schools are successful in raising a student's achievement levels?

While national research shows charters even with or slightly behind their district school counterparts, the research on California's charter public schools over the past five years presents some significant conclusions on the effectiveness of the charter school movement. The research clearly demonstrates that California's charter public schools are performing at least as well as, or better than, their non-charter school counterparts in improving student achievement, especially for at-risk and minority youth.

Since 2002, many research reports and studies have been commissioned to assess California's charter public schools' impact on student achievement. Some of the reports were performed by major universities, others were performed by independent research organizations, still others were performed by education advocacy organizations that are considered to be either historically supportive of charter schools or against their expansion, one was performed by an independent government agency and one by a major metropolitan newspaper with over 100 charter public schools in its home county, the largest in all of California.

The available research, presented chronologically below, shows that by introducing high-quality and innovative approaches into public education, California's charter public schools are having a positive impact on the state's public school system.

A Review of the Current Research

RAND Report, 2006

"*Making Sense of Charter Schools: Evidence from California*," RAND Corporation Occasional Paper (January 2006).

One of the foremost research institutions on education, the RAND Corporation, recently issued an Occasional Paper entitled "Making Sense of Charter Schools: Evidence from California" that examined how charter public schools affect the performance of charter students as well as types of students served.

RAND found that charter schools are "effective" despite receiving less money. It also found that "*charter schools are not 'cream-skimming' as critics fear, but rather attracting lower-performing students.*" Charter schools are more likely to enroll African-American and Hispanic students than non-charter schools and "*students who transfer from traditional public schools to charter schools have lower achieving scores prior to moving.*"

RAND concluded "*charter schooling is a reform initiative worth continuing in California.*"

National Center for Education Statistics, 2005

"....the National Assessment Governing Board (NAGB), which sets policy for the National Assessment of Educational Progress (NAEP), asked the National Center for Education Statistics (NCES) to conduct a pilot study of charter schools. A special oversample of charter schools, conducted as part of the 2003 fourth-grade NAEP assessments, permitted a comparison of academic achievement for students enrolled in charter schools to that for students enrolled in public noncharter schools. The school sample comprised 150 charter schools and 6,764 public noncharter schools. Initial results employing data from the 2003 NAEP fourth-grade assessments in reading and mathematics were presented in the NCES report *America's Charter Schools: Results From the NAEP 2003 Pilot Study* (NCES 2004). In the first phase of the combined analysis, all charter schools were compared to all public noncharter schools. The average charter school mean was 5.2 points lower than the average public noncharter school mean. After adjusting for multiple student characteristics, the difference in means was 4.2 points. Both differences were statistically significant.

The Los Angeles Times, 2005

"*Charters Get Better but Lag Traditional Schools, Study Says,*" *Los Angeles Times* Analysis (September 2005).

The *Los Angeles Times* analysis found that charters showed stronger year-to-year improvement than non-charters, especially in Los Angeles.

California's charter public schools as a whole scored an average gain of 28 points on the Academic Performance Index (API) over the previous year's results, while traditional public schools posted a 20-point improvement. Where charters specifically outdistanced district schools was in secondary schools, scoring 742 to 717 for middle schools and 633 to 622 for high schools. In Los Angeles Unified, charters outperformed non-charters in both scores and improved achievement: 715 to 677, their scores improving by 30 points overall while non-charters grew by 20.

EdSource, 2005

"*How Are California's Charter Schools Performing?*" EdSource Report (May 2005).

EdSource's study found that California charter schools' test scores generally improved more than those of non-charters. This analysis utilized CST scores rather than APIs or SAT-9 scores, as it was more applicable under No Child Left Behind.

Focusing on improvement over time, this study found that the average percentage-point change in students scoring proficient and above in English language arts and math were in general higher for charters than non-charters. In the seventh grade, charter students saw a 5.1 percent increase in English and 5.6 percent in math, while non-charters increased 4.3 percent in both subjects.

The improvement of charters compared with non-charters on California standardized tests from 2002-2004 was also greater. For seventh graders, 57 percent outperformed non-charters in English language arts and 60 percent in math.

Harvard University, 2004

"A Straightforward Comparison of Charter Schools and Regular Public Schools in the United States," Caroline M. Hoxby, Harvard University (September 2004).

A national report released by Harvard University found that students attending California's charter public schools are more proficient in both reading and math than students attending nearby traditional public schools. The report also found that charter schools that have been in operation for six or more years had proficiency gains that were nearly twice as pronounced as nearby non-charters. The report, which looked at students that come from similar neighborhoods, face similar economic conditions and attend similar public schools, found that *"California's charter students are 9 percent more likely to be proficient in reading and 5 percent more likely to be proficient in math."*

When looking only at California charter public schools that have been in operation for at least six years, students attending them were 11.8 percent more likely to be proficient at reading and 12.2 percent more likely to be proficient at math than students attending nearby public schools.

American Federation of Teachers, 2004

"Charter School Achievement on the 2003 National Assessment of Educational Progress," F. Howard Nelson, Bella Rosenberg, Nancy Van Meter, American Federation of Teachers (August 2004).

This American Federation of Teachers' (AFT) report showed that students in California's charter public schools are doing as well and even slightly better on student achievement than students in California's broader public school system. The AFT study looked at reading and math scores from the 2003 National Assessment of Educational Progress (NAEP).

The AFT report showed that 52 percent of California's charter school students are reading at or above basic levels, compared to 50 percent for California's broader public school system. The AFT report also showed that 68 percent of charter school students are performing at or above basic levels in math, the same level as in the broader public school system.

Legislative Analyst's Office, 2004

"Assessing California's Charter Schools," Elizabeth Hill, California Legislative Analyst's Office (January 2004).

This landmark report from the Legislative Analyst's Office (LAO) summarized current findings and offered recommendations for strengthening the charter school movement in

California, concluding that *"charter schools are a viable reform strategy - expanding families' choices, encouraging parental involvement, increasing teacher satisfaction, enhancing principals' control over school-site decision making, and broadening the curriculum without sacrificing time spent on core subjects."*

The LAO recommended that the Legislature remove the cap on the annual growth of charter public schools, reform the Charter School Categorical Block Grant, and allow for multiple authorizers.

RAND Corporation, 2003

"Charter School Operations and Performance: Evidence from California," Ron Zimmer, Richard Buddin, Derrick Chau, et.al., The RAND Corporation (July 2003).

The California Legislative Analyst's Office commissioned the RAND Corporation to conduct the most comprehensive evaluation of California's charter public schools to date. RAND found that California's charter public schools keep pace with and in some cases outperform traditional public schools despite serving a more diverse and challenging student population.

According to the LAO, *"The 2003 statewide evaluation of charter schools, conducted by RAND, concluded that charter schools were cost-effective—achieving academic results similar to those of traditional public schools even though they obtain less state and federal categorical funding."* The RAND study established that California's charter public schools are making positive achievement gains, especially in reading and math. *"Start-up"* charter schools slightly outperform traditional public schools and *"conversion"* charter schools.

The RAND report also confirmed that charter public schools tend to concentrate their efforts towards those most under-served by the traditional public school system, serving a greater percentage of low-income students and a slightly greater percentage of students with academic problems than conventional public schools. Twice as many African-American students are enrolled in charter schools than the traditional public school system.

The Hoover Institution and Policy Analysis for California Education, 2003

"The Performance of California Charter Schools," Margaret Raymond, Hoover Institution (May 2003).

This study from the Hoover Institution at Stanford University and the Policy Analysis for California Education (PACE) found that charter school students are making greater academic gains than students from traditional public schools despite the fact that charter schools are serving a more challenging student population.

"The gains in charter schools...," stated the Hoover/PACE study, *"outpace their traditional counterparts for elementary school and high school, and the difference is statistically significant for charter high schools. Thus, even though they enroll students who are farther behind in achievement, charter elementary and high school charters take their students farther each year than other traditional schools."*

The Hoover/PACE study found that test scores of elementary and high school students enrolled in charter schools in California increased faster than those of students attending traditional campuses between 1999 and 2001. It suggested that although average scores in charter public schools showed faster growth than those at traditional

public schools, they still lag because charter schools often enroll many students who were not doing well at other schools.

Charter Schools Development Center, 2003

"Veteran Charter Schools Outperform Non-Charter on API," Michael Agostini, CSDC (April 2003).

A statistical comparison of California student achievement scores by the Charter Schools Development Center found that *"charter schools that have operated for five or more years outperformed noncharter public schools and younger charter schools."*

'Veteran' charter schools averaged an API score of 708, while traditional public schools averaged an API score of 689 and 'young' charter schools averaged an API score of 667.

California State University, Los Angeles, 2002

"California Charter Schools Serving Low SES Students: An Analysis of the Academic Performance Index," Simeon Slovacek, Antony Kunnan, Hae-Jin Kim, CSU, Los Angeles (March 2002).

This university study concluded that California's charter public schools are more effective than traditional public schools at improving the academic achievement of low-income students.

This study concluded that student achievement at charter schools is improving at a faster rate than at non-charter public schools with similar demographics. Charter public schools with at least half to three-quarters of students that are low-income had academic achievement scores that improved between three and four percent faster than traditional public schools with similar demographics.

"California charter schools are doing a better job of improving the academic performance (as measured by API) of California's most at-risk students, those who are low-income, than non-charter California public schools," the report stated. *"Student achievement (as measured by API) in California's low-income charter schools is, on average, improving at a faster rate than in similar non-charter schools."* The report added that, *"Charter schools are serving a greater concentration of low-income students."*

Will we obtain community or parent input before moving forward?

While it is not legally necessary to obtain parental or community input, the best charter schools involve their communities on some level or another. Having parents as part of the development team will help establish a community connection when the school opens. The Education Code requires that once an authorizer receives a charter school petition, a public hearing must be held in which the authorizer considers the level of support for the petition by teachers and parents, as well as employees.

What are the legal standards around charter schools, must a charter school report to an authorizer annually, and what is the process for moving forward?

Legal Standards

The authorizer must approve a charter unless it provides written findings on one or more of the following:

- Charter presents an unsound educational program
- Petitioners are unlikely to successfully implement the program
- The petition does not contain the number of signatures required
- The petition does not contain the required affirmations
- The petition does not contain reasonably comprehensive descriptions of the 16 elements found in every charter petition, including educational, legal, financial and operational elements.

Strong Recommendation: The best charter school operators work closely with their COE or district authorizers, so as to build the most constructive relationship possible from the beginning.

Reporting and Compliance

A charter school petition may be granted for up to five years. Annually, the authorizer is legally required to visit the school at least once, and the school must file annual audits. A charter school may be revoked by its authorizer during the term of its charter if it is found to be out of compliance with the charter, or contract.

Additionally, the authorizer and school typically sign a Memorandum of Understanding that covers bilateral agreements such as food service, facilities and special education. These can be annual contracts, or they can be signed for the life of the charter petition.

Timelines

A general rule of thumb for developing a charter school is 18 months from the start of putting together a team until school opening. However, it can be done in a shorter period with cooperation from the authorizer. Using the 18 month measure, that means that for a petition to be approved by November 2008, the petition should be complete and start submission process by March of 2008 at the latest

- Legally, the authorizer has 30 days from the date of submission to hold a public hearing
- Legally, the authorizer has 60 days from date of submission to approve or deny

Charter petitioners are allowed to appeal to the County Board of Education (CBE) and the state if denied. They can also apply directly to the CBE and bypass the district, in the case of a school such as the proposed.

If the CBE denies the charter, the State Board of Education would hear its appeal, and this process takes another 120 days.

Ed Code 47605.5.

A petition may be submitted directly to a county board of education in the same manner as set forth in Section 47605 for charter schools that will serve pupils for whom the office of education would otherwise be responsible for providing direct education and related services. Any denial of a petition shall be subject to the same process for any other county board of education denial of a charter school petition pursuant to this part.

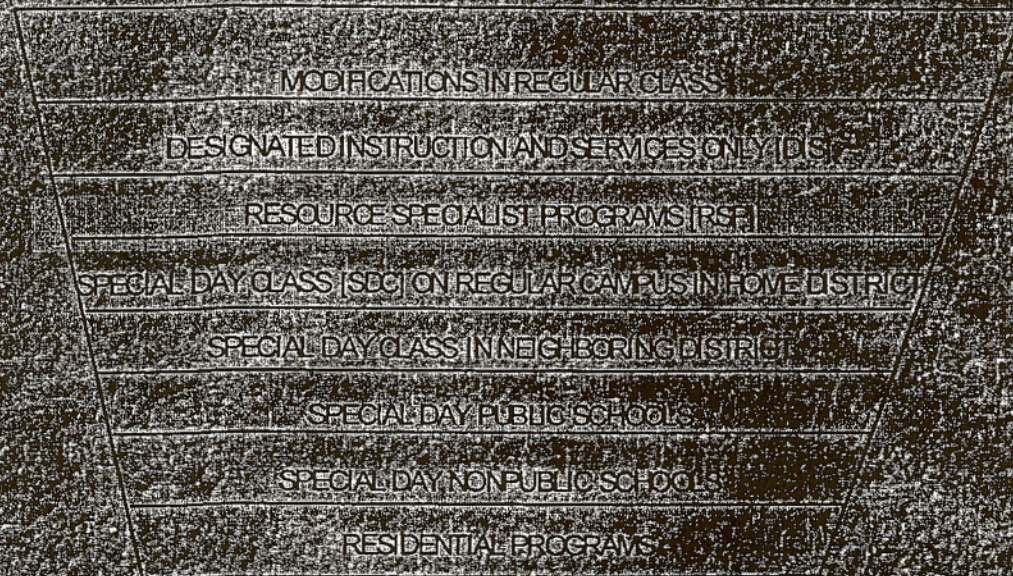
How is special education generally handled by Charter Schools, and how difficult is it to recruit these staff?

Under Charter Schools and IDEIA 34 CFR, Sec. 300.312 Children with disabilities in charter public schools, children with disabilities who attend charter public schools and their parents retain all rights under this part.

The charter school's responsibilities are to:

- Not discriminate against an "otherwise qualified" student
- Provide all special education and related services as outlined on the IEP
- Provide access to the full continuum of special education services (services are typically provided by the district or county office of education)
- Adhere to SELPA Local Plan
- Comply with all IDEIA, Section 504, and Americans with Disabilities Act (ADA) mandates.

Continuum of Special Education Options



Special education in charter schools is a complex process that involves the district or COE, the family and the school.

- Since charter schools do not have clearly defined boundaries, with a few exceptions, they must accept any “eligible” student who wishes to enroll in the charter school.
- Once an eligible student has enrolled, it no longer matters where the student lives.
- Unless the charter school becomes an LEA for special education purposes, the charter-authorizing school district (LEA) is responsible for ensuring that appropriate services are provided and that the charter school complies with special education laws.
- Typically, the school district or county office of education provides all assessment services, in addition to providing the special education teachers.

Recruitment of staff

Qualified special education teachers are often difficult to find. Most employers use educator databases such as EdJoin, as well as employing standard hiring practices such as Craig's List.

How do charter school youth transition back into regular school settings, and how are credits handled and transitioned?

Because the law is silent on the enrollment ramifications of charter school expulsions, it is sometimes difficult to enroll or re-enroll in a district public school after expulsion. On suspended or truant students, or even students with no at-risk behavior, the law is clear: students may enroll or re-enroll in a district school. However, many district administrators are ignorant of the charter school sections of the Education Code, and choose to treat the student as it would any district transferee. Even students with blemish-free records are sometimes unable to convince district administrators to allow them back.

There are two main ways that high school students transition back into traditional school settings.

1. The student graduates from the program with the required amount of credits, and applies to a college or university program, or seeks employment. Many charter schools establish relationships with local community colleges. This serves two purposes: 1) the school does not have to offer all coursework required by public universities for entrance; and 2) the student gets used to a college setting, removing some of the challenges of college life and academia.
2. The student, with or without the school's support, applies to a traditional public school for enrollment. If the student has already been expelled by a school district, s/he will not be able to reapply. However, the law is silent on expulsion from a charter school, and a Memorandum of Understanding usually includes an agreement on expelled charter students' eligibility for district enrollment. Other charter public schools may also allow the enrollment of expelled students.

In terms of credit transfers, charter schools are like any other school. Once the student has registered at the new school, the charter school administrator makes the student's transcript and "CUM" file available to the student's new school.

Ed Code Section 49068.

Whenever a pupil transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the pupil's permanent record or a copy thereof shall be transferred by the former district or private school upon a request from the district or private school where the pupil intends to enroll. Any school district requesting such a transfer of a record shall notify the parent of his right to receive a copy of the record and a right to a hearing to challenge the content of the record.

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MEMORANDUM

TO: Supervisor Blanca Alvarado, Chairperson
Supervisor Ken Yeager, Vice-Chairperson
Public Safety and Justice Committee

FROM: *Ann Miller Ravel*
Ann Miller Ravel, County Counsel
Nancy Clark, Assistant County Counsel *Nancy Clark*
Susan Swain, Lead Deputy County Counsel *Susan Swain*

RE: County Operation of a Charter School for Probation Wards
Response to Board Referral from September 12, 2006 Board Meeting,
Item No. 13

DATE: February 8, 2007

OPINION REQUESTED

On September 12, 2006, the Board of Supervisors requested that administration report regarding the feasibility of operating a charter school for juvenile wards. Inherent within that request is whether the County may legally operate a charter school.

CONCLUSION

California law mandates that the County Board of Education must operate schools in juvenile halls and ranches (juvenile court schools). This does not necessarily preclude the County from operating a charter school in its juvenile court schools. The County could ask the County Board of Education or the governing board of a local school district to cooperate with the County and apply for a waiver of certain provisions of the Education Code, which could allow the County to apply to operate a charter school. Alternatively, the County can assert that the Charter School Act of 1992 supersedes other provisions of law mandating that the County Board of Education operate the juvenile schools, and concurrently seek a waiver of certain Education Code provisions relating to charter school requirements.

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DISCUSSION

A. *The County May Establish Public Schools in Juvenile Hall and the Ranches.*

The Welfare and Institutions Code provides that a board of supervisors may establish public schools at any juvenile hall or ranch.¹ The Code further provides that a board of education (CBE)² must operate any public school in these facilities that is established under Education Code section 48645 et seq.³ A charter school is a public school.⁴

Education Code section 48645 et seq. provides that schools in a juvenile hall or ranch are "juvenile court schools," and mandates that a CBE must operate any juvenile court schools established under these sections.⁵

The question presented here is whether these statutory mandates preclude the County from operating a charter school. A review of the relevant statutory schemes, including the Charter School Act of 1992 (CSA), reveals two different arguments the County could assert that it is entitled to pursue authorization of a charter school to serve its juveniles wards.

1. *The County May Seek a Waiver of Education Code section 48645 et seq.*

As explained above, the Welfare and Institutions Code only provides that a CBE must administer and operate public schools *established pursuant to Section 48645 et seq. of the Education Code*. Conversely, Education Code section 48645 provides that a CBE must run the

¹ *Welfare and Institutions Code*, § 856.

² The County Board of Education (CBE) serves as the governing board of the County Office of Education (COE) and consists of five to seven elected officers. The CBE has the power to adopt rules and regulations for its own government, approve the budget of the county superintendent, and approve the annual county school service fund budget of the county superintendent prior to submission to the state superintendent. A COE operates alternative schools, e.g. juvenile court schools and community schools within the county. *Education Code*, §§ 1000, 1040, 1240 et seq., 1980 et seq., 48645 et seq.; See also County of Santa Clara Office of Education Website at <http://sccoe.org>.

³ *Welfare and Institutions Code*, § 889.

⁴ *Education Code* section 47615 provides that "The Legislature finds and declares the following: (1) Charter schools are part of the Public School System, as defined in Article IX of the California Constitution." Accord *Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1125, 1139 ["charter schools are public schools"]; *Ghafur v. Bernstein* (2005) 131 Cal.App.4th 1230, 1239 ["it is clear that California charter schools are part of this state's public school system."].

⁵ *Education Code*, §§ 48645.1, 48645.2.

juvenile court schools. The County, however, can seek a waiver of the Education Code requirement that the CBE must run the juvenile court schools.

Specifically, as relevant here, the Education Code⁶ provides that a CBE or the governing board of a school district, must request the State Board of Education (SBE)⁷ to waive all or part of any section in the Education Code or SBE regulations, subject to certain exceptions not applicable here.⁸ Accordingly, if the County were able to persuade the CBE, or a local governing board of a school district, to apply to the SBE to waive the requirements of Education Code section 48645 et seq., the requirement that the CBE run the juvenile court schools would be overcome. The Welfare and Institutions Code requires only that the CBE administer and operate juvenile court schools "established pursuant to Section 48645 et seq. of the Education Code." If a waiver of section 48645 et seq. were obtained, the County juvenile court schools would not be "established pursuant to 48645 et seq.," and the County may be able to explore other options for authorizing the "public schools" referred to in Welfare and Institutions Code section 856, i.e. a charter school.⁹

2. *The County May Argue that the Provisions of the Charter Schools Act of 1992 Are Intended to Provide Additional Educational Options Over and Above Those Existing At the Time of Its Enactment.*

If the CBE or a local governing board of a school district declined to assist the County in seeking a waiver of the Education Code sections discussed above, the County could argue that the Charter Schools Act of 1992 (CSA), as a more recent statutory scheme, supersedes the provisions of the Welfare and Institutions Code and the Education Code requiring that a CBE run juvenile court schools. The CSA explicitly states that: "It is the intent of the Legislature in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools *that operate independently from the existing school district structure. . . .*" Thus, it could be argued the Legislature recognized the need for an *additional and alternative school model* -- outside of the laws existing at the time the CSA was

⁶Education Code, § 33050.

⁷The SBE is entrusted with the ability to determine all policy matters within its power, including the authority to adopt rules and regulations, consistent with state law, for elementary and secondary schools within the State, and for the government of other schools within the State. *Education. Code*, §§ 33030, 33031.

⁸Education Code section 33050 further provides that certain provisions of the Education Code cannot be waived, but these sections do not include section 48645 et seq., nor the portion of the Education Code relating to the creation, authorization or operation of charter schools.

⁹The County would also need to repeal existing Ordinance Code section A27-21, which directs the County Superintendent for COE to provide for the juvenile court schools.

enacted (including the Education Code and Welfare and Institutions Code sections at issue here).

It is possible a court could conclude that while the CSA authorizes new schools which are independent of the "existing school district" structure, that provision was not intended to affect the CBE's operation of juvenile court schools as the CBE-operated schools are not part of a "school district." A court could also conclude, however, that the obvious intent of the CSA is to create an alternative school outside the existing structure, and that juvenile court schools were also embraced within the CSA. Further, the Education Code provides that a petition to operate a charter school "may be directly submitted to a county board of education in the same manner as set forth in section 47605 for charter schools that will serve pupils *for whom the county office of education would otherwise be responsible for providing direct education and related services,*" e.g. juvenile court schools.¹⁰ Lastly, the Education Code, specifies that one of the requirements of a charter school petition is that the petition contains a statement that parents signing the petition are meaningfully interested "in having his or her child, *or ward*, attend the charter school." Because of these factors, it is reasonable to conclude that the CSA was intended to apply to schools run by a COE.¹¹

B. Assuming the County Can Overcome the Requirement that the CBE Operate Its Juvenile Schools, the County Could Apply to Run a Charter School in Conjunction with Seeking a Waiver of Certain Requirements Relating to Charter Schools.

In order to establish a charter school, the County would be required to meet numerous specific legal requirements, some of which would be difficult or impossible for the County to meet. For example, a charter petition must be signed by either a specified number of the parents of students expected to be attending the first year, or at least half the number of teachers expected to be employed at the school in the first year. Given the transient nature of the population attending juvenile court schools the parental signature requirement would be difficult to meet, and as a start up school, rather than conversion of an existing school, it may be difficult to obtain the required number of teacher signatures. The Code also contains a requirement that no student may be required to attend the charter school.¹² The County would not be able to meet this requirement inasmuch as juvenile wards do not have a choice about attendance. In order to avoid the necessity of being required to meet all of the requirements otherwise necessary under the CSA, the County would need to seek waivers of each of the specific requirements it would be unable to meet.

¹⁰ Education Code, § 47605.5.

¹¹ Education Code, § 47605.

¹² Education Code, § 47605.

In evaluating the potential success of a charter school petition, the County should keep in mind that preference is given "to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under section 54032."¹³ Approvals of charter petitions are "not automatic, but can be denied on several grounds, including presentation of an unsound educational program. (§ 47605, subd. (b)(1))."¹⁴ Written factual findings of any denial must be made, which set forth specific facts to support one or more of the five specific findings: 1) the charter school presents an unsound educational program; 2) the petitioners are demonstrably unlikely to succeed; 3) the petition does not contain the requisite number of signatures; 4) the petition does not contain a requisite affirmation that certain requirements will be met; and 5) the petition does not contain a reasonably comprehensive description of necessary issues.¹⁵

If the CBE denies the charter petition, there is an appeal to the SBE.¹⁶ The SBE's consideration of a charter petition appeal is treated as a new hearing and the SBE's determination must be "reasonable, rational and fair to the petitioners . . ."¹⁷ The SBE must act within 120 days, or the CBE's decision is subject to judicial review.¹⁸ If the outcome at the SBE is unsatisfactory, the County may pursue petition for writ of mandate in Superior Court to compel the SBE to grant the petition.¹⁹

¹³Education Code, § 47605, subd. (h).

¹⁴Wilson v. State Board of Education (1999) 75 Cal.App. 1125, 1139.

¹⁵Education Code, § 47605, subd. (b)(1)-(5).

¹⁶Education Code, § 47605, subd. (j)(1).

¹⁷Cal. Code. of Regs., tit. 5, section 11967.5.

¹⁸Education Code, § 46705, subd. (j)(4).

¹⁹See e.g. Code of Civ. Proc., section 1085; *Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779 [petition for writ of mandamus used to challenge SBE authorization to create new high school district], criticized and questioned on other grounds; *Sequoia Union High School District v. Aurora Charter High School* (2003) 112 Cal.App.4th 185 ["A writ of mandate may be issued to a public agency 'to compel the admission of a party to the use and of an office or right to which he is entitled to'"]; *Environmental High School v. Union High School District* (2004) 122 Cal.App.4th 139, 145 [following *Sequoia*].